

ELEVENTH DAY

TUESDAY, September 29, 2009

Legislature met pursuant to a Special Meeting Notice
Regarding "Authorizing Contract With Monroe Security & Safety Systems Incorporated;
Authorizing Intermunicipal Agreement With Monroe County Water Authority For Provision Of Public Safety And Security
Systems And Services"
(File No. 09-0289)

President Wayne E. Zyra in the Chair.

ROLL CALL

Present—Legislators Adair, Andrews, Antelli, Barker, Beebe, Bronson, Cassetti, Colby, Cruz, Daniele, Drawe, Driscoll, Eckel, Esposito, Gamble, Gumina, Haney, Hanna, Heider, Kaleh, Lee, Lightfoot, McCann, O'Brien, Quatro, Tucciarello, Valerio, Yolevich, Zyra – 29

ANNOUNCEMENT

President Zyra stated that the business to be conducted at this meeting, pursuant to Section C2-9C (1) of the County Charter and Section 545-5 of the Rules of the Legislature of the County of Monroe is the following:

Authorize a Contract with Monroe Security and Safety Systems Incorporated and Authorize an Intermunicipal Agreement with the Monroe County Water Authority for Provision Of Public Safety and Security Systems and Services.

Notification of this special meeting was given to legislators and the media by the Clerk of the Legislature on Friday, September 18, 2009 pursuant to Section 545-5 of the Rules of the Monroe County Legislature.

Meeting formally opened. President Zyra requested a moment of silent prayer. The Pledge of Allegiance to the Flag was led by Legislator Debbie Drawe.

PETITIONS AND COMMUNICATIONS

From the President of the Legislature — WAYNE E. ZYRA

Regarding Calling a Special Meeting of the Legislature.

Read and Print. (File No. 09-0304)

Lisa Polito Nicolay, Clerk
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

September 18, 2009

Re: Special Meeting of the Monroe County Legislature

Dear Mrs. Nicolay:

Pursuant to the authority vested in me as President of the Legislature by Section C2-9C (1) of the County Charter and Section 545-5 of the Rules of the Monroe County Legislature, I hereby direct you to call a special meeting of the Legislature for Tuesday, September 29, 2009 at 5:00 p.m. in the Chambers of the Legislature, 406 County Office Building.

The business to be conducted at the special meeting will be the following item:

- 1) Authorize a Contract with Monroe Security & Safety Systems Incorporated and Authorize an Intermunicipal Agreement with the Monroe County Water Authority for Provision of Public Safety and Security Systems and Services - County Executive Maggie Brooks

Please give notice of this special meeting of the County Legislature to the members of the Legislature in accordance with the provisions of Section C2-9C (2) of the County Charter. Thank you for your assistance.

Sincerely,
WAYNE E. ZYRA
President
Monroe County Legislature

OTHER COUNTY OFFICIALS

Lisa Polito Nicolay, Clerk of the Legislature — Regarding Calling a Special Meeting of the Monroe County Legislature.

Read and Print. (File No. 09-0305)

September 18, 2009

Monroe County Legislature
39 West Main Street
Rochester, NY 14614

Re: Special Meeting of the Monroe County Legislature

Honorable Legislators:

At the direction of the President of the Monroe County Legislature, Wayne E. Zyra, a **Special Meeting of the Monroe County Legislature** is hereby called pursuant to Section C2-9C (1) of the Monroe County Charter and Section 545-5 of the *Rules of the Legislature* for **Tuesday, September 29, 2009 at 5:00 P.M. in the Chambers of the Legislature, 406 County Office Building, Rochester, New York.**

The business to be conducted at the special meeting will be the following item:

- 09-0289** - Authorize a Contract with Monroe Security & Safety Systems Incorporated and Authorize an Intermunicipal Agreement with the Monroe County Water Authority for Provision of Public Safety and Security Systems and Services - County Executive Maggie Brooks

I have attached a copy of the above noted referral for your information.

Sincerely,

Lisa Polito Nicolay, Clerk
Monroe County Legislature

PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. One speaker addressed the Legislature and the Open Forum concluded at 5:07 P.M.

MOTIONS, RESOLUTIONS AND NOTICES

1. Quatro & 09-0289 Resolution (Intro. No. 310 of 2009) Entitled, "Authorizing Contract With Monroe Security & Safety Systems Incorporated; Authorizing Intermunicipal Agreement With Monroe County Water Authority For Provision Of Public Safety And Security Systems And Services" Be Lifted From the Table
Driscoll
Intro. 312
M. 67
29-0

2. Quatro & 09-0289 Resolution (Intro. No. 310 of 2009) Entitled, "Authorizing Contract With Monroe Security & Safety Systems Incorporated; Authorizing Intermunicipal Agreement With Monroe County Water Authority For Provision Of Public Safety And Security Systems And Services" Be Adopted
Driscoll
Intro. 313
Public Safety Committee; August 24, 2009 – CV: 5-3
Intergovernmental Relations Committee; August 25, 2009 – CV: 3-1
Ways and Means Committee; August 26, 2009 – CV: 6-5

Intro. 314 Quatro/Driscoll
M. 68 Motion to Amend Intro. No. 310 of 2009 be amended as follows:
29-0

~~"AUTHORIZING CONTRACT WITH MONROE SECURITY & SAFETY SYSTEMS INCORPORATED LOCAL DEVELOPMENT CORPORATION AUTHORIZING INTERMUNICIPAL AGREEMENT WITH MONROE COUNTY WATER AUTHORITY FOR PROVISION OF PUBLIC SAFETY AND SECURITY SYSTEMS AND SERVICES"~~

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or her designee, is hereby authorized to execute a contract, and any amendments thereto, with Monroe Security & Safety Systems ~~Incorporated~~ Local Development Corporation, for the provision of public safety and security systems and services, at an average annual cost of \$11,200,200 per year, for a period of twenty (20) years.

Added language is underlined.

Deleted language is ~~stricken~~.

Intro. 315 Quatro/Driscoll
M. 69 Motion to Amend Intro. No. 310 of 2009 be amended as follows:
29-0

Section 1. The County Executive, or her designee, is hereby authorized to execute a contract, and any amendments thereto, with Monroe Security & Safety Systems Local Development Corporation, for the provision of public safety and security systems and services, at an average annual cost of \$11,200,000 per year, for a period of twenty (20) years: under the following conditions:

- a.) The Board of Directors of Monroe Security & Safety Systems Local Development Corporation shall have, among its total membership, Directors appointed as follows: two (2) members appointed by the County Executive; one (1) member appointed by the County Executive upon the recommendation of the Executive Director of the Monroe County Water Authority; one (1) member appointed by the County Executive upon the recommendation of the Majority Leader of the Monroe County Legislature; and one (1) member appointed by the County Executive upon the recommendation of the Minority Leader of the Monroe County Legislature.

- b.) The contract between Monroe County and Monroe Security & Safety Systems Local Development Corporation shall require its compliance with the New York Public Authorities Accountability Act, as amended from time to time.
- c.) The contract between Monroe County and Monroe Security & Safety Systems Local Development Corporation shall require its compliance with the New York Freedom of Information Law (N.Y. Public Officers Law §§ 84-90, as amended from time to time).
- d.) The contract between Monroe County and Monroe Security & Safety Systems Local Development Corporation shall require its compliance with the New York Open Meetings Law (N.Y. Public Officers Law §§ 100-111, as amended from time to time).
- e.) The contract between Monroe County and Monroe Security & Safety Systems Local Development Corporation shall require that the Monroe County Director of Public Safety, or his or her designee, be a member of the selection committee for any and all contracts entered into by Monroe Security & Safety Systems Local Development Corporation, and any subcontracts thereof.
- f.) The contract between Monroe County and Monroe Security & Safety Systems Local Development Corporation shall contain a non-appropriations clause with the following terms:

Notwithstanding anything herein to the contrary, the obligations of the County hereunder shall be deemed executory only to the extent of moneys appropriated and available for the purposes to which this Agreement relates and no liability on account of this Agreement shall be incurred by the County beyond the amount of such appropriated and available moneys. In the event that, during any fiscal period of the County, sufficient funds are not appropriated by the County's governing body for the payment of the Total Annual Payment during the County's next fiscal period, then the County may terminate this Agreement as of its then-current fiscal period and shall not be obligated to pay any Total Annual Payments beyond such fiscal period. The County agrees to give Monroe County and Monroe Security & Safety Systems Local Development Corporation written notice of such termination at least 45 days prior to the end of the then-current fiscal period, or, if nonappropriation has not occurred by that date, immediately upon nonappropriation.

Added language is underlined.

Deleted language is ~~stricken~~.

Note: President Zyra requested a brief recess.

Intro. 316 Bronson/Lightfoot (*Amendment to Amendment*)

M. 70

14-15 F

PROVIDING THAT INTRO. NO. 310 OF 2009 BE AMENDED

Be It Moved that Intro. No. 310 of 2009, be amended as follows:

Section 1. The County Executive, or her designee, is hereby authorized to execute a contract, and any amendments thereto, with Monroe Security & Safety Systems Local Development Corporation, for the provision of public safety and security systems and services, at an average annual cost of \$11,200,000 per year, for a period of twenty (20) years: under the following conditions:

- a) The Board of Directors of Monroe Security & Safety Systems Local Development Corporation shall have, among its total membership, Directors appointed as follows: ~~two~~ **three (2) (3)** members appointed by the County Executive; ~~one (1) member appointed by the County Executive upon the recommendation of the Executive Director of the Monroe County Water Authority; one~~ **two (4) (2)** members appointed by the County Executive upon the recommendation of the Majority Leader of the Monroe County Legislature; and ~~one~~ **two (4) (2)** members appointed by the County Executive upon the recommendation of the Minority Leader of the Monroe County Legislature. ***All appointees shall have qualifications in at least one area of public safety, either in fire, police or emergency medical services including communications therein, with no less than 5 years of such experience.***

b) The contract between Monroe County and Monroe Security & Safety Systems Local Development Corporation shall require its compliance with the New York Public Authorities Accountability Act, as amended from time to time.

c) The contract between Monroe County and Monroe Security & Safety Systems Local Development Corporation shall require its compliance with the New York Freedom of Information Law (N.Y. Public Officers Law §§ 84-90, as amended from time to time).

d) The contract between Monroe County and Monroe Security & Safety Systems Local Development Corporation shall require its compliance with the New York Open Meetings Law (N.Y. Public Officers Law §§ 10().111, as amended from time to time).

e) The contract between Monroe County and Monroe Security & Safety Systems Local Development Corporation shall require that the Monroe County Director of Public Safety, or his or her designee, be a member of the selection committee for any and all contracts entered into by Monroe Security & Safety Systems Local Development Corporation, and any subcontracts thereof. ***the local development corporation to obtain written approval of the Monroe County Director of Public Safety, or his/her designee, of all contracts or subcontracts, prior to awarding any contracts.***

f) The contract between Monroe County and Monroe Security & Safety Systems Local Development Corporation shall contain a non-appropriations clause with the following terms:

Notwithstanding anything herein to the contrary, the obligations of the County hereunder shall be deemed executory only to the extent of moneys appropriated and available for the purposes to which this Agreement relates and no liability on account of this Agreement shall be incurred by the County beyond the amount of such appropriated and available moneys. In the event that, during any fiscal period of the County, sufficient funds are not appropriated by the County's governing body for the payment of the Total Annual Payment during the County's next fiscal period, then the County may terminate this Agreement as of its then-current fiscal period and shall not be obligated to pay any Total Annual Payments beyond such fiscal period. The County agrees to give Monroe County and Monroe Security & Safety Systems Local Development Corporation written notice of such termination at least 45 days prior to the end of the then-current fiscal period, or, if nonappropriation has not occurred by that date, immediately upon nonappropriation.

g) The contract between Monroe County and Monroe Security & Safety Systems Local Development Corporation shall require the local development corporation to file with the Clerk of the Monroe County Legislature quarterly financial statements and the annual audited financial statements for the period of the contract."

Added language is underlined.

Deleted language is ~~stricken~~.

(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleh, Lee, Lightfoot and O'Brien voted in the positive)

Intro. 317 O'Brien/Esposito
M. 71 Motion to Amend Intro. 310 of 2009 as follows:
14-15 F

Be It Moved that the Intro. No. 310 of 2009, "Authorize a Contract with Monroe Security & Safety Systems Local Development Corporation and Authorize an Intermunicipal Agreement with the Monroe County Water Authority for Provision of Public Safety and Security Systems and Services is hereby amended as follows:

Section 1. To amend section #1 to read as follows:

“The County Executive, or her designee, is hereby authorized to execute a contract, and any amendments thereto, with Monroe Safety & Security Systems Local Development Corporation, for the provision of public safety and security systems and services, at an average annual cost of \$11,200,000 per year, for a period of ~~twenty (20)~~ three (3) years with the option to extend the term for five (5) additional three (3) year terms and one (1) additional two (2) year term Upon the consent and approval of the Monroe County Legislature.

Section 2. To amend section #2 to read as follows:

“The County Executive or her designee, is hereby authorized to execute an intermunicipal agreement, and any amendments thereto, with the Monroe County Water Authority for Monroe County to provide the Monroe County Water Authority with public safety and security systems and services, at an average annual cost of \$1,350,000 per year, for a period of ~~twenty (20)~~ three (3) years with the option to extend the term for five (5) additional three (3) year terms and one (1) additional two (2) year term Upon the consent and approval of the Monroe County Legislature.

Added language is underlined.

Deleted language is ~~stricken~~.

(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleb, Lee, Lightfoot and O'Brien voted in the positive)

Intro. 318
M. 72
14-15 F

Esposito/Gumina
Motion to Amend Intro. 310 of 2009 as follows:

Be It Moved that the Intro. No. 310 of 2009, “Authorize a Contract with Monroe Security & Safety Systems Local Development Corporation and Authorize an Intermunicipal Agreement with the Monroe County Water Authority for Provision of Public Safety and Security Systems and Services is hereby amended as follows:

Section 1. To move section #2 to section #3, and section #4 to section #5.

Section 2. To insert section #2:

“To require that such contract between the County of Monroe and Monroe Security & Safety Systems Local Development Corporation provide that no resolution or other action of the local development corporation providing for the issuance of bonds or other debt may be adopted or otherwise made effective without the prior approval of the Monroe County Legislature.”

(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleb, Lee, Lightfoot and O'Brien voted in the positive)

Intro. 319
M. 73
14-15 F

Bronson/Eckel
Motion to Amend Intro. 310 of 2009 as follows:

Be It Moved that the Intro. No. 310 of 2009, “Authorize a Contract with Monroe Security & Safety Systems Local Development Corporation and Authorize an Intermunicipal Agreement with the Monroe County Water Authority for Provision of Public Safety and Security Systems and Services is hereby amended as follows:

Section 1. To move section #2 to section #3, and section #4 to section #5.

Section 2. To insert section #2:

“To require that such contract between the County of Monroe and Monroe Security & Safety Systems Local Development Corporation shall include contractual language that will require that the local development corporation shall grant the County, through the Public Safety Committee of the Monroe County Legislature, as an interested third party to said contract, the ability to terminate any contract and/or subcontract, for failure of performance or any default provision within said contract, entered into by the LDC or Navitech, or any subcontractor regarding this project or any other.”

(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleb,

Lee, Lightfoot and O'Brien voted in the positive)

Intro. 320
M. 74
14-15 F

Haney/Beebe
Motion to Amend Intro 310 of 2009 as follows:

Be It Moved that the Intro. No. 310 of 2009, "Authorize a Contract with Monroe Security & Safety Systems Local Development Corporation and Authorize an Intermunicipal Agreement with the Monroe County Water Authority for Provision of Public Safety and Security Systems and Services is hereby amended as follows:

Section 1. To move section #2 to section #3, and section #4 to section #5.

Section 2. To insert section #2:

"To require that such contract between the County of Monroe and Monroe Security & Safety Systems Local Development Corporation expressly prohibit the County, without prior approval from the County Legislature, from selling or otherwise transferring ownership rights to any County assets, including but not limited to the fiber optic network and/or capacity thereon, to the local development corporation."

(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleb, Lee, Lightfoot and O'Brien voted in the positive)

Intro. 321
M. 75
14-15 F

Lee/Gamble
Motion to Amend Intro. 310 of 2009 as follows:

Be It Moved that the Intro. No. 310 of 2009, "Authorize a Contract with Monroe Security & Safety Systems Local Development Corporation and Authorize an Intermunicipal Agreement with the Monroe County Water Authority for Provision of Public Safety and Security Systems and Services is hereby amended as follows:

Section 1. To move section #2 to section #3, and section #4 to section #5.

Section 2. To insert section #2:

"To require that such contract between the County of Monroe and Monroe Security & Safety Systems Local Development Corporation shall include contractual language that will require the local development corporation, any subcontracts and sub-subcontractors to comply with the following for the period of the contract:

- a. New York State Competitive and/or Public Bidding laws
- b. Prevailing Wage Statutes
- c. Executive Law Article – 15A"

(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleb, Lee, Lightfoot and O'Brien voted in the positive)

Intro. 313
M. 76
15-14

Be Adopted

(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleb, Lee, Lightfoot and O'Brien voted in the negative)

Intro. 310
Res. 243 (As Amended by Motions 68 & 69)
15-14

Main Motion
(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleb, Lee, Lightfoot and O'Brien voted in the negative)

Upon Motion by Legislator Quatro, the Legislature adjourned at 8:10 P.M. until Tuesday, October 13, 2009 at 6:00 P.M.

LISA POLITO N COLAY
Clerk of the Legislature